



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council

FROM: City Manager

MEETING DATE: March 2, 1988

AGENDA TITLE: Set Public Hearing for April 6, 1988 to Consider Adoption of Resolution of Necessity for the Acquisition of Five Parcels of Land on the West Side of Hutchins Street, Between Tamarack Drive and Vine Street, by Eminent Domain Procedures

RECOMMENDED ACTION: That the City take the initial step in eminent domain procedures by setting a hearing for April 6, 1988 to consider the adoption of a resolution of necessity for acquisition of the rights of way necessary for the widening of South Hutchins Street, Rimbly to Vine.

BACKGROUND INFORMATION: The City's land acquisition agent, Jerry Heminger, has been in contact and working with the property owners on South Hutchins Street for several months. We now have reached agreement on the basis of the appraisals with 11 of the original 16 property owners. We also have general agreement with two others, but through no fault of theirs or ours, getting the necessary signatures may delay the project. The three remaining owners have indicated that they are not satisfied with our offer, but have not presented any reason for modification. A sketch showing the remaining parcels is attached.

It appears that the only way we can proceed with this project this summer is through the use of eminent domain procedures.

Once the Council has set a date for the hearing, all affected owners will be officially notified of the hearing so that they may respond.


J. L. Work, Director
Public Works Director

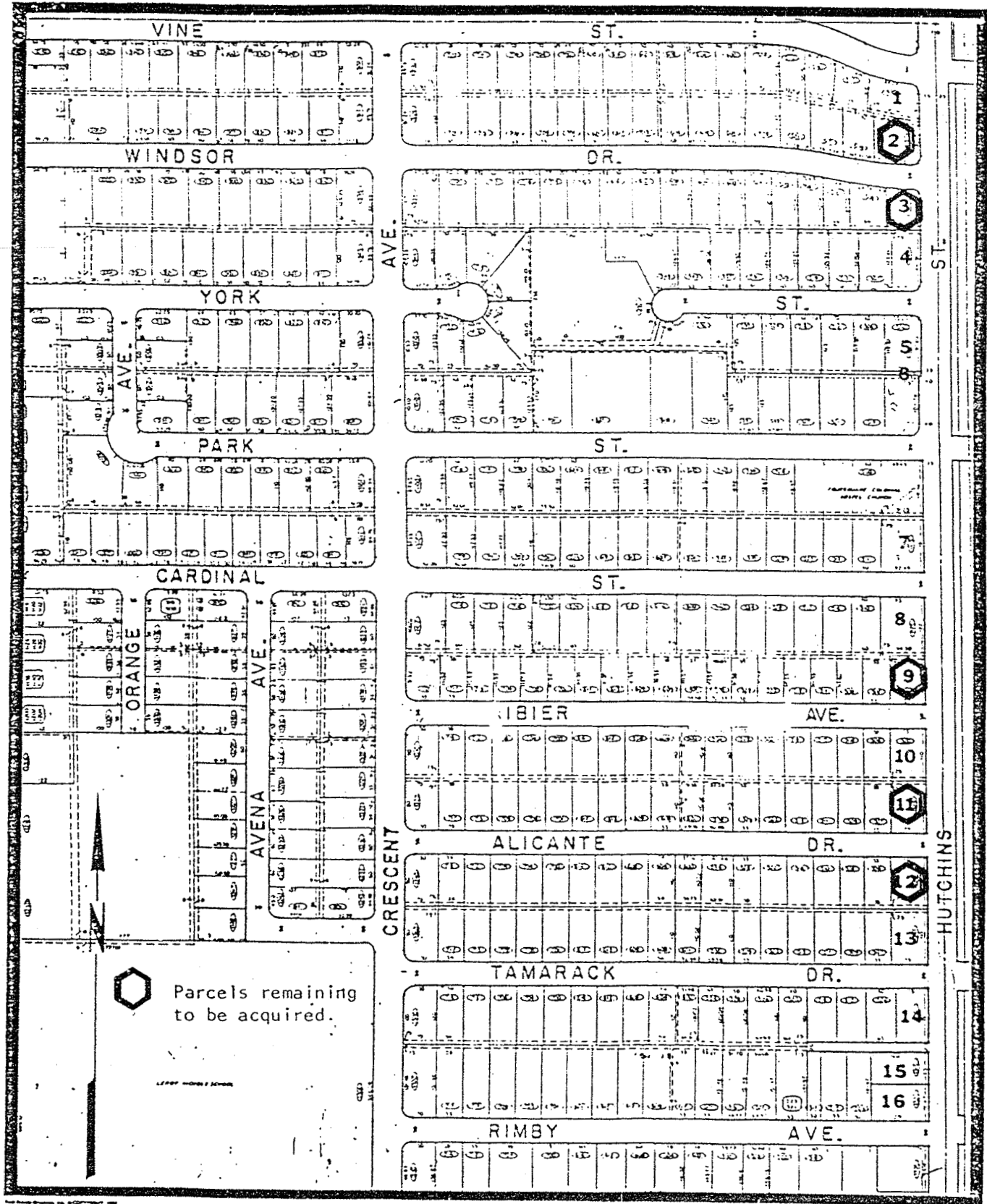
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Attachment

APPROVED:


THOMAS A. PETERSON, City Manager

FILE NO.



SOUTH HUTCHINS STREET EMINENT DOMAIN PROCEDURES

2/22/88

NOTICE OF PUBLIC HEARING

Notice is hereby given that on April 6, 1988 the City Council of the City of Lodi, at its regular meeting to be held on that date at 7:30 p.m. in the Council Chambers located at 221 West Pine Street, Lodi, California, intends to adopt a Resolution of Necessity regarding Eminent Domain, pursuant to Code of Civil Procedure (CCP) Section 1245.220 for the following properties:

1. 921 South Hutchins Street described as follows:

A portion of Lot 37 of Vinewood Tract, Tract No. 329, as filed in Volume 13 of Maps and Plats at Page 154, San Joaquin County Records, and being more particularly described as follows:

Beginning at the southeast corner of Lot 37, thence North $0^{\circ}11'30''$ East, 66.12 feet, along the east line of said Lot, to the beginning of a tangential curve, concave to the southwest, with a radius of 20 feet, through an arc of $88^{\circ}27'20''$, for a distance of 30.88 feet, to the end of curve, thence South $44^{\circ}3'44''$ East, 20.73 feet, thence South $0^{\circ}11'30''$ West, 71.20 feet to the south line of said lot, thence South $89^{\circ}2'$ East, 5.0 feet, along the south line of said lot to the point of beginning.

2. 911 South Hutchins Street described as follows:

A portion of Lot 36 of Vinewood Tract, Tract No. 329, as filed in Volume 13 of Maps and Plats at Page 154, San Joaquin County Records, and being more particularly described as follows:

Beginning at the northeast corner of Lot 36, thence South $0^{\circ}11'30''$ West, 70.25 feet, along the east line of said lot, to the beginning of a tangential curve, concave to the northwest, with a radius of 20 feet, through an arc of $91^{\circ}43'50''$, for a distance of 32.02 feet to the end of curve, thence North $47^{\circ}57'25''$ East, 21.07 feet, thence North $0^{\circ}11'30''$ East, 77.08 feet to the north line of said lot, thence South $78^{\circ}29'$ East, 5.1 feet along the north line of said lot to the point of beginning.

3. 1223 South Hutchins Street described as follows:

A portion of Lot 24 of Knoll Subdivision, Tract No. 180, as filed in Volume 13 of Maps and Plats at Page 8, San Joaquin County Records, and being more particularly described as follows:

Beginning at the northeast corner of Lot 24, thence South $0^{\circ}15'$ East, 110 feet, along the east line of said lot to the southeast corner of said lot, thence North $89^{\circ}38'$ West, 19.04 feet, along the south line of said lot, thence North $43^{\circ}50'49''$ East, 20.18 feet, thence North $0^{\circ}16'$ West, 35.36 feet, to the north line of said lot, thence South $89^{\circ}38'$ East, 5 feet to the point of beginning.

4. 1231 South Hutchins Street described as follows:

A portion of Lot 25 of Knoll Subdivision, Tract No. 180, as filed in Volume 13 of Maps and Plats at Page 8, San Joaquin County Records, and being more particularly described as follows:

Beginning at the southeast corner of Lot 25, thence North $89^{\circ} 38'$ West, along the south line of said lot 5 feet, thence North $0^{\circ} 15'$ West, 95.51 feet, thence North $43^{\circ} 48' 16''$ West, 20.20 feet to the north line of said lot, thence South $89^{\circ} 38''$ East, 18.92 feet along the north line of said lot, thence South $0^{\circ} 15'$ East along the east line of said lot, 110 feet to the point of beginning.

The property owners have been notified that they have the right to be heard on the matters referred to in CCP Section 1240.030 as it relates to this property. Specifically, CCP Section 1240.030 permits the City of Lodi to exercise the power of eminent domain to acquire the property for a proposed project only if all of the following are established:

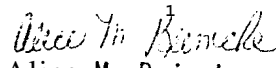
- a. The public interest and necessity require the project.
- b. The project is planned or located in the manner that will be most compatible with the greatest public need and the least private injury.
- c. The property sought to be acquired is necessary for the project.

Pursuant to CCP Section 1245.234, the property owners must file a WRITTEN REQUEST to be heard within 15 days after the notice was mailed. The governing body need not give an opportunity to appear and be heard to any person who fails to file a written request. If the property owners intend to be heard on the matter they need to bring in or mail their request to Alice M. Reimche, City Clerk, 221 West Pine Street, Call Box 3006, Lodi, CA 95241-1910, phone 333-6702. THEIR FAILURE TO FILE A WRITTEN REQUEST TO APPEAR AND BE HEARD WITHIN 15 DAYS AFTER THE NOTICE WAS MAILED WILL RESULT IN WAIVER OF THE RIGHT TO APPEAR AND BE HEARD.


If the property owners challenge the subject matter in court, they may be limited to raising only those issues raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

Dated: March 2, 1988

By Order of the Lodi City Council


Alice M. Reimche
City Clerk

Approved as to form


Ronald M. Stein
City Attorney